

REMARKS

Applicants add claims 11-17. Accordingly, claims 1, 2, 4, 5, 7-9 and 11-17 are all the claims pending in the application.

Claim rejections

Claims 1-2, 4-5 and 7-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Goodman (US Publication No. 2006/0059253) in view of Drabik (US Publication No. 2005/0193103). Applicants traverse the rejection for at least the following reasons.

Independent claim 1

Claim 1 recites, *inter alia*, determining whether a specified application is submitting request using online protocol, consequently setting an online flag in the database server and returning defined error condition indicator to the specified application if the online flag is set and identified system resources are determine to be scarce. The Examiner concedes that Goodman does not disclose these features. However, the Examiner alleges that Drabik teaches the features missing in Goodman. See page 5, lines 4-10 of the Office Action.

Drabik is directed to a method and apparatus to deliver virtual private network configuration information to one or more client devices or to gateway devices providing services for multiple clients. Drabik focuses on a need to uniquely identify every client of a VPN and the secure delivery of the various components of configuration information so that each user has secure access to those resources (page 2, paragraph [0016]). Drabik discloses that inserting a cryptographically secure carrier device into an appropriately equipped client or gateway device will establish the virtual private network connection (page 2, paragraph [0017]). However,

Drabik does not disclose receiving a request specifying that the online protocol is to be used and consequently setting an online flag in the database server, and returning defined error condition indicators to the specified application if the online flag is set and identified system resources are determined to be scarce.

Referring to paragraph [0115], Drabik discloses that a Pair is a combination of an address and a netmask associated with that address. A Pair object, according to Drabik, may be used to separate the types of address and the netmask contained with the Pair. Examples of a Pair Object are a flag to indicate use of Internet Protocol (IP) version 4, versus IP version 6, which uses longer addresses and a different form of definition. Applicants respectfully submit that in the portion of the reference cited by the Examiner, Drabik merely discloses that a flag is used to indicate and differentiate between IP version 4 and IP version 6, where IP version 6 has longer addresses and a different form of definition. However, Drabik does not disclose **determining whether the specified application is submitting the requests using the online protocol and consequently setting an online flag in the database server.** That is, Drabik does not disclose or fairly suggest determining **whether a request submitted by the specified application uses an online protocol** and consequently sets an online flag in the database server.

Applicants respectfully submit that Drabik also does not disclose **returning defined error condition indicators to the specified application if the online flag is set and identified system resources are determined to be scarce.** In page 5 of the Office Action, the Examiner alleges that:

it would have been obvious at the time of the invention was made for one of person of ordinary skill in the art to modify the disclosure of Drabik to provide the online flag to defined error condition indicator to the specified application when the application is determined to be suing [*sic*] the online protocol.

Applicants respectfully submit that the Examiner's explanation for modifying Drabik does not clearly state why one of ordinary skill in the art would modify the teaching of Drabik. Moreover, Applicant is not sure how providing an online flag to defined error condition indicators to the specified application when the application is determined to be using the online protocol, as alleged by the Examiner, discloses **determining whether a specified application is submitting requests using an online protocol and consequently setting an online flag in the database server, and returning defined error condition indicators to the specified application if the online flag is set and identified system resources are determined to be scarce**. Therefore, Applicants respectfully submit that a *prima facie* case of obviousness has not been established.

In addition, Applicants respectfully submit that even if the teachings of Drabik were to be modified as asserted by the Examiner, the result of the modification still would not disclose all the features recited in claim 1. Specifically, the Examiner continues to overlook several distinct features that are clearly recited in the claim 1. For instance, claim 1 clearly recites

i) determining whether a specified application is submitting requests using an online protocol;

- ii) setting an online flag in the data base server; and
- iii) returning defined error condition if the online flag is set **and** identified system resources are determined to be scarce.

In view of the above, Applicants respectfully requests the Examiner to withdraw the rejection of claim 1.

Independent claims 5 and 8

Claims 5 and 8 recite similar features as claim 1, and therefore are also patentable over the cited references under the same or similar rationale as set forth above.

Dependent claims 2, 4, 7 and 9

Claims 2, 4, 7 and 9 depend from one of the independent claims that have been shown to be allowable, and therefore are also allowable at least by virtue of their dependency and additional limitations therein.

New claims

Claims 11-17 depend either directly or indirectly from claim 5, and therefore are allowable at least by virtue of their dependency. Claims 11-13 are at least supported by page 8, lines 16-26. Claim 14 is at least supported by page 9, lines 21-23. Claims 15-17 are at least supported by page 9, lines 16-19.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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Date: March 11, 2008